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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,601	02/04/2005	Peter Tiesler	ZAHFR1 P704US	1433

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DAVIS & BUJOLD, P.L.L.C.
112 PLEASANT STREET
CONCORD, NH 03301

EXAMINER

HOLMES, JUSTIN K

ART UNIT	PAPER NUMBER
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3681

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/523,601

Applicant(s)

TIESLER, PETER

Examiner

Justin K. Holmes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-27, 29-32, 35, 37 and 38 is/are rejected.
- 7) ☒ Claim(s) 28, 33, 34, 36 and 39-44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/4/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Examiner acknowledges receipt of the Oath and Declaration filed on February 4, 2005.
2. Claims 1-22 have been cancelled. Claims 23-44 are pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 24, 26 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 24 and 34 recite the limitation "disc carrier" in line 2 of claim 24 and in line 7 of claim 34. There is insufficient antecedent basis for this limitation in the claims.
6. Claim 26 recites the limitation "discs" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
8. Claims 23-27, 29-32 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,833,566 to Showalter.

The Showalter patent teaches an automatic transmission 14 having a drive shaft 62, a driven shaft 198 on an axis different than the drive shaft 62, one planetary gear 80 coaxial to the drive shaft 62 and having at least one planetary gear set 80 and a switch element 120 for selective transmission of an input rotational speed of the drive shaft 62 to an output element 110 of the planetary gear and one chain drive 74 of constant ratio abutting in an axial direction on a transmission housing wall 60, and whose drive wheel 70 is connected with the output element 110 of the planetary gear and situated coaxially to the drive wheel 70 and whose driven wheel 174 is operably connected with a driven shaft via a constant ratio, the drive wheel 70 of the chain drive 74 radially overlaps at least partially, in an axial direction, the switch element 120 axially directly abutting on a side thereof remote from the transmission housing 60. See Figs. 2 and 3.

Regarding claim 24, the drive wheel 70 of the chain drive abuts in an axial direction directly on one disc carrier of the switch element. The disc carrier as broadly recited in the claims is defined as the flange 128 that has a disc shape. See Fig. 2.

Regarding claim 25, the one servo device 140 of the switch element 120 abuts on the drive wheel 70 of the chain drive is situated upon a side of the switch element 120 facing the drive wheel 70 of the chain drive. The side of the switch element 120 facing the drive wheel 70 as broadly recited in the claim is defined as being below the lower most part of the flange 128 as shown in Fig. 2, therefore, the servo device 140 is on the side of the switch element 120 facing the drive wheel 70.

Regarding claim 26, the drive wheel 70 radially overlaps in an axial direction a disc of the switch element. The drive wheel has a portion that is overlapping underneath the disc 128 as shown in Fig. 2.

Regarding claim 27, the switch element is a sliding clutch with teeth 122 and 124. See Figs. 2 and 3.

Regarding claim 29, the drive wheel 70 and the driven wheel 174 of the chain drive are centered on the same housing element. See Fig. 2.

Regarding claim 30, the drive wheel 70 is supported on one projection of the housing wall 60, the portion of the housing 60 that is holding oil seal 28 on the outer circumference in place, extending in an axial direction of the chain drive. See Fig. 2.

Regarding claim 31, the drive wheel 70 is supported on one shaft 62 fixedly connected with a transmission housing 60. The shaft 62 is fixedly connected in that the shaft is held in place in the housing 60 and does not slide in an axial direction.

Regarding claim 32, a bearing 68 of the drive wheel is a roller bearing, a radial bearing 68, an axial bearing 76 on the side of the transmission housing wall 60, and an axial bearing 68 on the side of the switch element. See Fig. 3.

Regarding claim 35, the transmission housing wall 60 abutting the chain drive faces one prime mover 12 of the automatic transmission. See Fig. 1.

Accordingly, all the elements of claims 23-27, 29-32 and 35 are anticipated by the Showalter patent.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 5,833,566 to Showalter in view of U.S. Patent No. 5,215,161 to Kobayashi.

The Showalter patent lacks a teaching of an oil pump of the automatic transmission integrated in a stator shaft.

The Kobayashi patent teaches an automatic transmission having a stator shaft 32 that is integral with the cover 9 of an oil pump 10. See Fig. 1b.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Showalter patent to include the oil pump as taught in the Kobayashi patent in order to provide a fluid operated clutch. See column 2, lines 33-35 of the Kobayashi patent.

11. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 5,833,566 to Showalter in view of U.S. Patent No. 3,618,713 to Batchelor.

The Showalter patent lacks a teaching of a lubrication of the chain drive having a spray pipe by which lubricant is sprayed on an inner side of one chain of the chain drive.

The Batchelor patent teaches an apparatus for lubricating an endless chain. A spray pipe 44 having a tube 76, sprays lubricant onto a chain 30. See column 4, lines 16-20. The lubricant is sprayed on an inner side of one chain 30 as shown in Fig. 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Showalter patent to include the lubrication system as taught in the Batchelor patent in order to provide an efficient way to lubricate a chain. See column 1, lines 68-70 of the Batchelor patent.

Allowable Subject Matter

12. Claims 28, 33, 36 and 39-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claim 34 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5,081,886 to Person et al.; U.S. Patent No. 5,954,612 to Baxter, Jr.; U.S. Patent No. 6,283,887 to Brown et al.; and U.S. Publication No. 2003/0224894 to Vonnegut et al. all teach various transmission assemblies and chain transfer drives.

Facsimile Transmission

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission

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whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on _____ (Date)

Typed or printed name of person signing this certificate:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only

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cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin K. Holmes whose telephone number is (571) 272-5930. The examiner can normally be reached on 8:00am to 4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JKH
12/16/06


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